REMARKS

This application has been reviewed in light of the Advisory Action mailed July 24, 2006 and a telephone interview with the Examiner on July 31, 2006. Reconsideration of this application in view of the below remarks is respectfully requested. Claims 4 and 6 - 8 are pending in the application. By the present amendment, Claims 7 and 8 have been amended. No new subject matter is introduced into the disclosure by way of the present amendment.

Initially, Applicants thank the Examiner for indicating that Claims 4 and 6 are allowed.

However, according to the Advisory Action, Claims 7 and 8 remain rejected under 35 U.S.C. §103(a) as allegedly obvious over U.S. Patent No. 6,674,873 issued to Donescu et al. in view of U.S. Patent No. 6,421,445 issued to Jenson et al.

In the telephone interview with the Examiner the continued rejection of Claims 7 and 8 was discussed in an effort to clarify the reasoning behind the rejection given that, in Applicant's opinion, the claims recited similar limitations as allowed Claims 4 and 6. The Examiner contends that the use of the term "unit" in the limitations of Claims 7 and 8 precludes the interpretation of the limitations as a means-plus-function, but rather allows a broader interpretation. However, the Examiner indicated that Claims 7 and 8 would be allowed if amended such that the term "unit" was replaced by "means".

In response, Claims 7 and 8 have been amended to replace the term "unit" with "means", thus reciting "decoding means", "electronic watermark data extracting means", "electronic watermark data detection means", "electronic watermark data accumulator means", and "determining means".

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The Examiner has conceded, in the Final Rejection of March 14, 2006, that Donescu et al. fails to disclose accumulating statistical similarities for a predetermined time interval to produce an accumulation value. Jenson et al. is cited as disclosing this accumulation of statistical similarity. However, Jenson et al. does not disclose or suggest accumulating statistical similarities calculated between stored watermarks and extracted watermark data for a predetermined time interval as recited in Applicant's claims. (See: Applicant's page 37, lines 3 – 25).

Rather, Jenson et al. specifically discloses a comparison value, computed from non-code bearing (i.e., non-watermarked) audio signals and other noise, being compared against one or more portions of an encoded audio signal. (See: Jenson et al. col. 29, lines 38-50). Thus, Jenson et al. teaches comparing non-watermarked data against portions of an encoded data signal. Therefore, even if the encoded data signal were interpreted broadly as being a watermarked data signal, Jenson et al. would fail to properly teach comparing an extracted watermark data against a stored watermark data, as required by Applicant's claims.

Donescu et al. discloses extracting low-frequency coefficients in order to form a low-frequency sub-image $\{dc^*_i\}$. However, there is no indication in the Donescu et al. disclosure that this low-frequency sub-image is an extracted watermark rather than merely portions of an image that may, or may not, contain a watermark. Thus, even though Donescu et al. discloses comparing coefficients w_i of a pseudo-random signal W with coefficients $\{dc^*_i\}$, this comparison is not equivalent to Applicant's electronic watermark data detecting means for calculating a statistical similarity between the extracted data, which is an extracted watermark, and the respective stored electronic watermark data.

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As a result, if one skilled in the art of coding data were to combine Jenson et al. with Donescu et al., as proposed in the present Office Action, the resulting apparatus would fail to provide Applicant's claimed invention. Specifically, a combination of Jenson et al. and Donescu et al. would yield an apparatus that, at best, compares a sub-image to be processed against a pseudo-random signal W, as taught in Donescu et al., over a period of time, as taught in Jenson et al.

On the other hand, Applicant's Claims 7 and 8 recite: "...an electronic watermark data extracting means, supplied with an electronic watermark inserted composite image... for for extracting, on the basis of said insertion information, the electronic watermark data in said electronic watermark inserted composite image by adding the blocks in which the same electronic watermark data are inserted to produce extracted data... an electronic watermark data detection means for calculating a statistical similarity between said extracted data and the respective electronic watermark data stored in said electronic watermark data table..."

Thus, according to the recited limitations, the extracted data is electronic watermark data that had been inserted into the composite image. Therefore, the statistical comparison being performed is between extracted watermark data and the respective electronic watermark data stored in the electronic watermark data memorizing means – not between a sub-image, which may or may not contain a watermark, and a pseudo-random signal W, as taught by Donescu et al.

Consequently. Donescu et al. and Jenson et al., taken alone or in any proper combination, fail to disclose or suggest Applicant's electronic watermark data detecting means, as recited in the claims. Therefore, for at least the reasons given above, Claims 7 and 8 are believed to be patentably distinct and allowable over the cited prior art references. Accordingly, Applicant

respectfully requests withdrawal of the rejection with respect to Claims 7 and 8 under 35 U.S.C.

§103(a) over Donescu et al. in view of Jenson et al.

CONCLUSIONS

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 4 and 6 – 8 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicant's undersigned attorney at the number indicated below.

Respectfully submitted,

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